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09/206,663	12/07/1998	MARION D. SKEEN	VIT02	5799

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EXAMINER

RONES, CHARLES

ART UNIT

PAPER NUMBER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 16

Application Number: 09/206,663
Filing Date: December 07, 1998
Appellant(s): SKEEN, MARION D.

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For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed June 28, 2002.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The appellant's statement in the brief that certain claims do not stand or fall together is not agreed with because the dependent claims are argued as standing separately from the independent claims which will fall if the independent claims fall and can therefore be grouped together.

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

✓ 5,339,392

Risberg et al.

8-1994

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-20 are rejected under 35 U.S.C. 102(b). This rejection is set forth in prior Office Action, Paper No. 8.

(11) Response to Argument

Firstly, Appellant argues that Risberg disclosure of scripts are not "queries."

In response, Examiner maintains that Risberg discloses such, wherein Figures 4 and 5, states "query," which function on objects. The objects can be used in scripts. See column 19, lines 1-65.

Secondly, Appellant argues that Risberg fails to disclose the step of "responding to events by executing all query processes having constraints satisfied by data sources."

In response, Examiner maintains that Risberg discloses such, wherein an alarm condition or event trigger is deemed to be the events executing scripts which contain constraints based on data sources; See column 21, lines 25-33; column 23, lines 1-55, column 28, lines 4-67; column 35, lines 44-59.

Thirdly, Appellant argues that Risberg does not disclose constraint indexing and related comparison to yield a set of queries having constraints satisfied by an event.

In response, Examiner maintains that Risberg discloses such, wherein updates from a database are dispatched to an object or related events which are handled to manipulate objects (objects are stored in a relational database, which uses indexing sort and locate objects) such as a query object which satisfies a query using comparison to execute a trigger; See column 20, lines 51-64, column 21, lines 25-33, column 22, lines 12-52, column 23, lines 33-67, and column 24, lines 13-25.

Fourthly, Appellant argues that Risberg does not disclose wherein query processes are persistent.

In response, Examiner maintains that Risberg discloses such wherein scripts are user defined commands such as macros which are well known to be stored persistently as they can be executed by pressing a button or icon and can be copied; See column 2, lines 1-39 ; column 18, lines 30-33 and column 20, lines 15-34.

Fifthly, Appellant argues that Risberg does not disclose providing results whenever a query result changes incrementally.

In response, Examiner maintains that Risberg discloses such wherein as stock quotes (results) change incrementally the script updates the data to reflect the changes; See column 3, lines 42-61, column 4, lines 63-67; column 10, lines 28-34; and column 18, lines 37-60.

Sixthly, Appellant argues that Risberg fails to disclose incremental query result changes.

In response, Examiner maintains that Risberg discloses such. See previous response above.

Seventhly, Appellant argues that Risberg fails to disclose an event service.

In response, Examiner maintains that Risberg discloses an event service wherein the events are triggered providing notification, which is deemed to be an event service. Examiner further notes that Appellant states, "the results of any queries used in Risberg" on page 7, lines 5-6 of the Appeal Brief, admits that Risberg uses queries.

Lastly, Appellant argues that Risberg discloses real time data not historical data.

In response, Examiner maintains that Risberg discloses such wherein real time variations can be plotted on a graph/time axis which is an up-to-date historical view or changes and real time data is stored which then becomes historical data; See column 12, lines 45-55; and column 24, lines 15-25.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Charles L. Rones
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August 8, 2002

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